

UNITED STATES OF AMERICA

Massachusetts District
United States

v.

Jamie Edelkind

U.S. District Court
John J. Moakley Bldg.
1 Courthouse Way
Boston, Ma. 02210

DKT. 04-1066-ME

10:39 AM MASS

Motion for Court Order for Library Access

Now comes the Defendant Jamie Edelkind pro se, to request this Honorable Court to issue an order for library access at any facility in which he may be held while in custody related to the instant case. This is in accordance with Cepulonis V. Fair, 732 F. 3d 1 (C.A. 1 Mass 1984) and Bounds V. Smith, 436 US 817, 828, 97 S.Ct. 1491 (1971).

The Defendant avers the following:

1. The Defendant is awaiting sentencing in the instant action, scheduled for May 24, 2005.
2. The defendant intends to file an appeal of his conviction and has a present and continuing need to research and prepare his case.
3. The Defendant has been given inadequate access to the law library while at E.C.C.F. Middleton despite repeated requests for more time.
4. The Defendant's attorney has refused to maintain any contact with the Defendant prior to, and since trial, resulting in part for the Defendant's conviction, since against the Defendant's wishes, NO defense by his attorney was presented at trial, nor has the attorney done any preparation thereof.
5. An upcomming forfeiture proceeding is pending for which the Defendant has a serious need to properly prepare.
6. Defendant has notified his attorney that he wishes to dismiss him, effective immediately.

7. The Defendant is without further resources to retain new Counsel, but has NO confidence in the work product or judgement of current Counsel.

The Defendant requests:

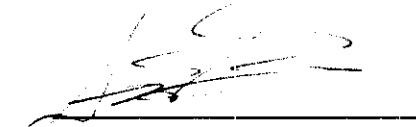
- A. That he be allowed unimpeded physical access to the institution's law library while incarcerated relative to the instant matter.
- B. That he be allowed a minimum of 4 hours per day at the convienience of the institution in either one 4 hour block of time, or two 2hour blocks of time.
- C. That this order be made binding upon any facility, subject to the jurisdiction of this Court.
- D. That this order contain specific language to supply the Defendant copies of legal research and media for the Defendant to store the fruits of said research, and that such media be allowed to remain in the Defendant's possession.
- E. That the Defendant be allowed to use on an available basis the library laser printer and computer for the generation of legal pleadings and legal related documents.
- F. That the institution may preserve its' rights to prevent the Defendant in doing legal research for others by means other than reviewing Defendant's legal documents that remain in his possession, or by logging the computer searches of the Defendant.

G. That the order contain instructions that, upon written notice to the institution engaged in noncompliance with the stated order of the Court, the Defendant may bring the institution before this Court in order to seek a contempt action and sanctions.

Therefore, the Defendant prays this Honorable Court hear his prayers and allows this order and issues it in its' entir^ty without exception in accordance with his prayers.

Date 04-12-2005

Respectfully Submitted,



Jamie Edelkind